IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO.1486 OF 2003
IN
SUMMONS FOR JUDGMENT NO.235 OF 2002
IN
SUMMARY SUIT NO.2845 OF 2001

Mr.Sundar Lal B. Kohri ...Plaintiff.

Vs.

Mr.Manoj M.Garodia ...Defendant.

Mr.O.P.Singh for the Plaintiff.
None for the Defendant.

CORAM: J.H.BHATIA, J.
DATE : 22nd July, 2005.

P.C.:

1. Heard Mr.O.P.Singh, the learned counsel for the Plaintiff. None for the Defendant in spite of service of this Notice. Perused affidavit. The circumstances explained in the affidavit revealed that why the Plaintiff could not appear as he was suffering from fever and his advocate was busy in another Court when the matter was called out and dismissed in default on 23rd April, 2003. This Notice for restoration of Summons for Judgment was moved on 5rd May, 2003. I do not find any negligence, lack of interest or bonafides on the part of Plaintiff.

Therefore, in the interest of justice, this Motion is made absolute in terms of prayer clause (a).

(J.H.BHATIA, J.)